

Austin, Texas, October 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 37, Requesting the State Highway Department to designate a special agent who shall at all times be available in Hutchinson County for the purpose of issuing such permits in compliance with the terms of Article 8701a, Revised Civil Statutes of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, October 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 38, Requesting the Texas Old Age Assistance Commission not to take into consideration for any purpose the fact that an applicant has a child, children, or other relatives, if and when the funds of the Texas Old Age Assistance Commission are sufficient to carry out this request.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room.

Austin, Texas, October 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 18, Urging President Roosevelt to call a special session of Congress for the purpose of enacting permanent farm legislation.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

#### TENTH DAY

(Monday, October 11, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Howard
Adkins	Huddleston
Alexander	Hull
Alsup	Hyder
Amos	Jackson
Anderson	Johnson of Ellis
Baker	Johnson
Bates	of Tarrant
Beckworth	Jones of Atascosa
Bell	Jones of Falls
Blankenship	Jones of Wise
Boethel	Keefe
Bond	Keith
Boyer	Kelt
Bradbury	Kenyon
Bradford	Kern
Bridgers	King
Broadfoot	Knetsch
Brown	Langdon
Burton	Lankford
Cagle	Lanning
Callan	Lehman
Carssow	Leonard
Cathey	Leyendecker
Cauthorn	Little
Celaya	Loggins
Cleveland	London
Colquitt	Mann
Davis of Haskell	Mauritz
Davis of Jasper	Mays
Davison of Fisher	McConnell
Davisson	McDonald
of Eastland	McFarland
Dean	McKee
Deglandon	McKinney
Derden	Metcalfe
Dickison	Moffett
Dollins	Monkhouse
Donaghey	Morris
England	Morse
Farmer	Newton
Felty	Nicholson
Fielden	Oliver
Fox	Palmer
Fuchs	Patterson of Mills
Gibson	Patterson
Graves	of Travis
Hamilton	Petsch
Hankamer	Powell
Hanna	Prescott
Harbin	Quinn
Hardin	Ragsdale
Harper	Reader
Harrell	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Riddle
Hartzog	Roark
Heflin	Ross
Herzik	Russell
Holland	Rutta

Schuenemann	Stocks
Settle	Talbert
Sewell	Tarwater
Sharpe	Tennant
Shell	Tennyson
Simpson	Thornberry
Skaggs	Thornton
Smith of Hopkins	Vale
Smith	Waggoner
of Matagorda	Winfree
Smith of Tarrant	Wood
Stinson	Worley

Absent

Hoskins	Weldon
Lucas	

Absent—Excused

Jones of Angelina	Stevenson
Leath	Westbrook
Pope	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

**LEAVES OF ABSENCE GRANTED**

The following Members were granted leaves of absence on account of important business:

Mr. Quinn for last Friday, on motion of Mr. Roark.

Mr. Jones of Angelina for today and tomorrow, on motion of Mr. Boethel.

Mr. Leath for today, on motion of Mr. Wood.

Mr. Stevenson and Mr. Pope for today, on motion of Mr. Boyer.

The following Members were granted leaves of absence on account of illness:

Mr. Newton for today, on motion of Mr. Lehman.

Mr. Westbrook for today, on motion of Mr. Oliver.

Mr. Fuchs temporarily for today, on motion of Mr. Cagle.

**HOUSE BILLS ON FIRST READING**

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. McConnell, Mr. Graves, Mr. Petsch and Mr. Adkins:

H. B. No. 89, A bill to be entitled "An Act to amend House Bill No. 1148, passed during the Regular Session of the Forty-fifth Legislature;

and this House bill is offered for the purpose of prohibiting the catching, taking, or seining for the purpose of sale, or transportation for the purpose of sale, either dead or alive, more than five hundred (500) minnows of any and all species in any one day from the fresh water streams of McCulloch, San Saba, Gillespie, Llano, Kendall, Blanco, Lampasas, Mason, Burnet, Williamson, Travis, Hill, Palo Pinto, and Stephens Counties; specifying the territory in which this Act shall be operative, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Keith:

H. B. No. 90, A bill to be entitled "An Act amending Sections 1, 5, 7 and 8 of Senate Bill No. 47, Acts of the Regular Session, Forty-fifth Legislature of Texas; amending Article 7064a, as enacted by Laws, Third Called Session, Forty-fourth Legislature of Texas, Chapter 495, page 2040; providing for the establishing of a State Revolving Fund of One Million (\$1,000,000.00) Dollars for the Teachers' Retirement System of Texas; providing that every group of individuals, society, association or corporation domiciled in this State transacting the business of life, accident, life and accident, or health and accident insurance shall, at the time of filing its annual statement, pay a tax of two and one-half (2½%) per centum upon the gross amount of premiums received from or upon the lives of persons residing or domiciled in this State during the preceding year; providing that no such insurance organization shall receive a permit to do business in this State until such taxes are paid; providing that the State Treasurer shall deposit all revenues derived or collected under the terms of this Act, one-fourth (¼th) to the credit of the Available School Fund, and three-fourths (¾ths) to the credit of the State Revolving Fund until there shall be on deposit to the credit of such State Revolving Fund the sum of One Million (\$1,000,000.00) Dollars; providing that, on the first day of March of each year hereafter, the State Treasurer shall deposit to the credit of the State Revolving Fund, from the revenues hereby allocated thereto, such amount as may be necessary to maintain the sum of One Million (\$1,000,000.00) Dollars on deposit to

the credit of the State Revolving Fund; providing that any revenues collected under the provisions of this Act not otherwise allocated shall be deposited to the credit of the General Revenue Fund of this State; providing that the unconstitutionality of any clause, sentence, subsection or section of this Act shall not affect the validity of the remaining portions hereof, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. McKinney:

H. B. No. 91, A bill to be entitled "An Act declaring it unlawful to take, hunt or kill deer in San Jacinto County for a period of five years; prescribing a penalty, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

#### MOTION FOR SPECIAL ORDER

Mr. Alsup moved that House Bill No. 23 be set as a special order for 11:00 o'clock a. m., today.

Question recurring on the motion by Mr. Alsup, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 83; nays, 46.

Mr. England requested a verification of the vote.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

#### Yeas—85

Adkins	Davison of Fisher
Alexander	Davisson
Alsup	of Eastland
Amos	Deglandon
Baker	Derden
Bates	Dickison
Beckworth	England
Bell	Farmer
Blankenship	Fox
Boethel	Fuchs
Bond	Hamilton
Bradbury	Harbin
Bridgers	Harper
Broadfoot	Harrell
Brown	Harris of Archer
Burton	Harris of Dickens
Cagle	Herzik
Cathey	Holland
Cauthorn	Huddleston
Cleveland	Hyder
Davis of Haskell	Johnson of Ellis
Davis of Jasper	Jones of Falls

Jones of Wise  
Keefe  
Keith  
Kelt  
Kern  
King  
Langdon  
Lankford  
Lehman  
Leyendecker  
Loggins  
London  
Mauritz  
Mays  
McConnell  
McDonald  
Metcalf  
Morris  
Morse  
Oliver  
Palmer  
Patterson of Mills

Patterson  
of Travis  
Powell  
Prescott  
Quinn  
Ragsdale  
Reader  
Reed of Bowie  
Roark  
Ross  
Russell  
Rutta  
Sharpe  
Smith of Hopkins  
Smith of Tarrant  
Stinson  
Stocks  
Talbert  
Tarwater  
Thornberry  
Waggoner

#### Nays—47

Anderson	Lanning
Boyer	Leonard
Bradford	Little
Callan	Mann
Carssow	McFarland
Colquitt	McKee
Dean	Moffett
Dollins	Monkhouse
Donaghey	Nicholson
Felty	Reed of Dallas
Fielden	Rhodes
Gibson	Riddle
Hankamer	Schuenemann
Hanna	Shell
Harris of Dallas	Simpson
Hartzog	Smith
Heflin	of Matagorda
Howard	Tennant
Hull	Tennyson
Jackson	Thornton
Johnson	Vale
of Tarrant	Winfree
Jones of Atascosa	Wood
Kenyon	Worley
Knetsch	

#### Present—Not Voting

Skaggs

#### Absent

Celaya	McKinney
Graves	Petsch
Hardin	Settle
Hoskins	Sewell
Lucas	Weldon

#### Absent—Excused

Jones of Angelina	Pope
Leath	Stevenson
Newton	Westbrook

### PAIRED

Mr. Skaggs (present), who would vote "yea", with Mr. Stevenson (absent), who would vote "nay".

The Speaker announced that the motion by Mr. Alsup was lost by the above vote (not receiving the necessary two-thirds vote).

### RELATIVE TO HOUSE CONCURRENT RESOLUTION NO. 36

Mr. Hull moved that House Concurrent Resolution No. 36 be withdrawn from the Committee on Appropriations and referred to the Committee on State Affairs.

Mr. Thornton moved to table the motion by Mr. Hull.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—98

Adkins	Hartzog
Baker	Heflin
Bates	Holland
Beckworth	Huddleston
Bell	Jackson
Blankenship	Jones of Falls
Boethel	Jones of Wise
Bradford	Keefe
Bridgers	Keith
Brown	Kenyon
Cagle	Kern
Carssow	King
Cathey	Knetsch
Cauthorn	Langdon
Celaya	Lankford
Cleveland	Lanning
Colquitt	Lehman
Davis of Jasper	Leonard
Davison of Fisher	Leyendecker
Davisson	Loggins
of Eastland	London
Dean	Mann
Deglandon	Mauritz
Derden	Mays
Dickison	McConnell
Dollins	McDonald
England	McKee
Felty	Metcalfe
Fielden	Moffett
Gibson	Morris
Hamilton	Morse
Hankamer	Palmer
Hanna	Patterson of Mills
Harper	Patterson
Harrell	of Travis
Harris of Archer	Prescott
Harris of Dallas	Quinn
Harris of Dickens	Ragsdale

Reader	Smith
Reed of Bowie	of Matagorda
Reed of Dallas	Stocks
Roark	Talbert
Ross	Tarwater
Russell	Tennyson
Rutta	Thornberry
Settle	Thornton
Sewell	Vale
Sharpe	Waggoner
Skaggs	Winfree
Smith of Hopkins	Wood
	Worley

#### Nays—23

Alsup	Kelt
Amos	Little
Boyer	McKinney
Broadfoot	Oliver
Callan	Powell
Davis of Haskell	Rhodes
Donaghey	Schuenemann
Farmer	Shell
Fuchs	Simpson
Hardin	Smith of Tarrant
Hull	Tennant
Johnson	
of Tarrant	

#### Present—Not Voting

Bradbury

#### Absent

Alexander	Johnson of Ellis
Anderson	Jones of Atascosa
Bond	Lucas
Burton	McFarland
Fox	Monkhouse
Graves	Nicholson
Harbin	Petsch
Herzik	Riddle
Hoskins	Stinson
Howard	Weldon
Hyder	

#### Absent—Excused

Jones of Angelina	Pope
Leath	Stevenson
Newton	Westbrook

### RELATIVE TO RESOLUTION PERIOD

Mr. Broadfoot moved that the House dispense with the resolution period, at this time.

Question recurring on the motion by Mr. Broadfoot, yeas and nays were demanded.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

#### Yeas—82

Adkins	Amos
Alsup	Baker

Bates	King
Beckworth	Langdon
Bell	Lankford
Boethel	Lehman
Bond	Leonard
Bridgers	Leyendecker
Broadfoot	London
Brown	Mann
Burton	Mays
Cagle	McConnell
Callan	McDonald
Cauthorn	Metcalf
Celaya	Morris
Cleveland	Morse
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Davison of Fisher	Patterson of Mills
Deglandon	Patterson
Derden	of Travis
Dollins	Powell
England	Prescott
Fuchs	Quinn
Hamilton	Ragsdale
Harbin	Reader
Harper	Reed of Bowie
Harrell	Roark
Harris of Dickens	Ross
Heflin	Russell
Herzik	Rutta
Holland	Sharpe
Huddleston	Smith of Hopkins
Hull	Smith
Hyder	of Matagorda
Johnson of Ellis	Smith of Tarrant
Jones of Falls	Talbert
Jones of Wise	Tarwater
Keefe	Tennyson
Keith	Thornberry
Kelt	Waggoner
Kern	Wood

## Nays—45

Alexander	Johnson
Blankenship	of Tarrant
Boyer	Jones of Atascosa
Carssow	Kenyon
Cathey	Knetsch
Colquitt	Lanning
Davisson	Little
of Eastland	Loggins
Dean	Mauritz
Donaghey	McKee
Farmer	McKinney
Felty	Moffett
Fielden	Monkhouse
Gibson	Nicholson
Hankamer	Reed of Dallas
Hanna	Rhodes
Hardin	Riddle
Harris of Archer	Settle
Harris of Dallas	Sewell
Hartzog	Simpson
Jackson	Stocks

Tennant	Winfree
Thornton	Worley
Vale	

Present—Not Voting

Skaggs

Absent

Anderson	Lucas
Bradbury	McFarland
Bradford	Petsch
Dickison	Schuenemann
Fox	Shell
Graves	Stinson
Hoskins	Weldon
Howard	

Absent—Excused

Jones of Angelina	Pope
Leath	Stevenson
Newton	Westbrook

## PAIRED

Mr. Skaggs (present), who would vote "yea", with Mr. Stevenson (absent), who would vote "nay".

TO REQUEST GOVERNOR TO  
SUBMIT CERTAIN  
SUBJECT

Mr. Jones of Atascosa offered the following resolution:

H. S. R. No. 22, To request Governor to submit certain subject.

Whereas, His Excellency, the Governor, has called the Forty-fifth Legislature into extra-ordinary session for the Second Called Session for the purpose, according to his message, of raising additional revenues for old age assistance, aid to the needy blind and neglected children, teachers retirement, and to balance the budget in the General Fund; and

Whereas, In his message he submits only the proposition of balancing the budget in the General Fund by added taxes; and

Whereas, It is believed by many Members of the Legislature as well as the tax-paying public generally that the balancing of the budget could be effected by retrenchment in expenditures and by either abolishing or consolidating departments; and

Whereas, Under the call subjects having for their purpose such retrenchment would possibly be subject to a point of order as not coming within the call of the Governor; and

Whereas, It is thought that the Legislature should at least have the option of effecting the purpose of the

call by either added taxes or legislation which will effect the same purpose by a rewriting of our laws, having for their purpose a saving by curtailed expenses without impairing the effectiveness of any department; and

Whereas, The tax burden of the people of this State has grown steadily through the past decade to the point where further taxation is becoming burdensome and a severe economic hindrance and impediment to the best interests of the State; therefore, be it

Resolved by the House of Representatives. That the Governor be respectfully requested to amend or enlarge his call so as to make possible the carrying out of the purposes of the call by added taxes or in the alternative by the passage of such laws as will lessen the expenditures of public funds to such an extent as will be sufficient and capable of absorbing the deficit at least in the General Fund without the necessity of further hampering industry or the tax-paying public by added taxation, that a copy of this resolution under the seal of the Chief Clerk be transmitted to the Governor, and for this purpose this resolution is respectfully submitted.

JONES of Atascosa,  
REED of Bowie,  
HARRIS of Dallas.

The resolution was read second time.

Mr. Keith raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Hanna moved that the resolution period be extended until the pending resolution is disposed of.

Question recurring on the motion by Mr. Hanna, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—64

Alexander	Davison of Fisher
Anderson	Davisson
Blankenship	of Eastland
Boyer	Dean
Carssow	Derden
Cathey	Dollins
Celaya	Donaghey
Colquitt	Farmer

Felty	McKee
Gibson	McKinney
Hankamer	Moffett
Hanna	Monkhouse
Hardin	Nicholson
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Hartzog	Rhodes
Heflin	Riddle
Howard	Schuenemann
Huddleston	Sewell
Hull	Shell
Jackson	Simpson
Johnson of Ellis	Smith
Johnson	of Matagorda
of Tarrant	Smith of Tarrant
Jones of Atascosa	Stinson
Kenyon	Stocks
King	Tennant
Knetsch	Tennyson
Lankford	Thornton
Lanning	Vale
Leyendecker	Winfree
Little	Wood
Loggins	Worley
Mauritz	

Nays—70

Adkins	Keefe
Alsup	Kelt
Amos	Kern
Baker	Langdon
Bates	Lehman
Beckworth	Leonard
Bell	London
Boethel	Mann
Bond	Mays
Bradbury	McConnell
Bradford	McDonald
Broadfoot	Morris
Brown	Morse
Burton	Oliver
Cagle	Palmer
Callan	Patterson of Mills
Cauthorn	Patterson
Cleveland	of Travis
Davis of Haskell	Powell
Davis of Jasper	Prescott
Deglandon	Quinn
Dickison	Ragsdale
England	Reader
Fox	Roark
Graves	Ross
Hamilton	Russell
Harbin	Rutta
Harper	Settle
Harrell	Sharpe
Harris of Dickens	Skaggs
Herzik	Smith of Hopkins
Holland	Talbert
Hyder	Tarwater
Jones of Falls	Thornberry
Jones of Wise	Waggoner
Keith	

## Present—Not Voting

McFarland

## Absent

Bridgers

Metcalf

Fielden

Petsch

Hoskins

Weldon

Lucas

## Absent—Excused

Fuchs

Pope

Jones of Angelina Stevenson

Leath

Westbrook

Newton

## PAIRED

Mr. McFarland (present), who would vote "yea", with Mr. Westbrook (absent), who would vote "nay".

## ADDRESS BY HONORABLE J. E. McDONALD

In accordance with the provisions of House Simple Resolution No. 18, adopted by the House on last Thursday, inviting Honorable J. E. McDonald to address the House, at 11:00 o'clock a. m., today, the Speaker announced the appointment of the following committee to escort Mr. McDonald to the Speaker's stand: Messrs. Tarwater, Powell, Moffett, Ragsdale and Fuchs.

The committee having performed their duty, the Speaker presented Mr. Tarwater who introduced Mr. McDonald to the House.

Mr. McDonald then addressed the House.

## CONFERENCE COMMITTEE APPOINTED

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on House Bill No. 31: Messrs. Jones of Falls, Knetsch, Anderson, Boethel and Alsup.

## TO DECLARE THE POLICY OF THE HOUSE IN REGARD TO OLD AGE ASSISTANCE

The Speaker laid before the House, for consideration at this time, House Simple Resolution No. 11, To declare the policy of the House in regard to old age assistance.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs

having recommended the adoption of the resolution with the following committee amendment:

Amend House Simple Resolution No. 11, by adding to resolving clause these words:

"Except the amount of money that is necessary to carry out the demands of the people, in taking care of the needy blind, the dependent children, and for old age assistance."

HARDIN.

Mr. Alsup offered the following substitute for the committee amendment:

Amend House Simple Resolution No. 11, by striking the following words out of the resolving clause:

"and that no new taxes should be voted until such reliberalization bill has been passed by both Houses and signed by Governor."

Mr. McConnell moved that further consideration of the resolution be postponed until 2:30 o'clock p. m., next Thursday.

The motion prevailed.

## MESSAGE FROM THE SENATE

Austin, Texas, October 11, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 31.

The following have been appointed on the part of the Senate: Senators Weinert, Van Zandt, Sulak, Moore and Oneal.

Respectfully,

BOB BARKER,

Secretary of the Senate.

## HOUSE BILL NO. 14 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 14, A bill to be entitled "An Act to amend Article 7101, Chapter 4, Title 122, Articles 7162, 7174, Chapter 6, Title 122, and Articles 7183, 7184, 7192, 7193, 7204, 7214, and 7215, 7216, 7218, 7221, and 7224, Chapter 7, Title 122, Revised Civil Statutes of Texas of 1925."

The bill having heretofore been read second time.

Mr. Mays moved that further consideration of the bill be postponed until 10:00 o'clock a. m., next Thursday.

Mr. Reader moved the previous question on the motion to postpone the bill, and the main question was ordered.

Question recurring on the motion by Mr. Mays, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—74

Adkins	Hyder
Alsup	Johnson of Ellis
Amos	Jones of Falls
Bates	Jones of Wise
Beckworth	Keefe
Bell	Keith
Boethel	Kern
Bond	King
Bradbury	Langdon
Bridgers	Lankford
Broadfoot	Lehman
Brown	Mann
Burton	Mays
Cagle	McConnell
Callan	McDonald
Cathey	Metcalfe
Cauthorn	Monkhouse
Cleveland	Morris
Davis of Jasper	Oliver
Davison of Fisher	Palmer
Davisson	Patterson
of Eastland	of Travis
Deglandon	Powell
Derden	Prescott
Dickison	Reader
England	Reed of Bowie
Farmer	Ross
Fielden	Roark
Graves	Russell
Hamilton	Rutta
Harbin	Sharpe
Harper	Skaggs
Harrell	Smith of Hopkins
Harris of Dickens	Smith of Tarrant
Heflin	Talbert
Herzik	Tarwater
Holland	Thornberry
Huddleston	Waggoner

## Nays—57

Alexander	Donaghey
Baker	Felty
Blankenship	Fox
Boyer	Gibson
Bradford	Hankamer
Carssow	Hanna
Celaya	Hardin
Dean	Harris of Archer
Dollins	Harris of Dallas

Hartzog	Petsch
Howard	Quinn
Jackson	Reed of Dallas
Johnson	Rhodes
of Tarrant	Riddle
Jones of Atascosa	Schuenemann
Kenyon	Settle
Knetsch	Sewell
Lanning	Shell
Leonard	Simpson
Leyendecker	Smith
Little	of Matagorda
Loggins	Stinson
Mauritz	Stocks
McFarland	Tennant
McKee	Tennyson
McKinney	Thornton
Moffett	Winfree
Morse	Wood
Nicholson	Worley
Patterson of Mills	

## Present—Not Voting

Kelt

## Absent

Anderson	London
Colquitt	Lucas
Davis of Haskell	Ragsdale
Hoskins	Vale
Hull	Weldon

## Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

## HOUSE BILL NO. 63 ON SECOND READING

(By unanimous consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 63, A bill to be entitled "An Act providing the time when mourning doves and white-winged doves may be shot in Dewitt, Gonzales, Guadalupe, Comal, Wilson, Karnes, Lavaca, Fayette Counties, fixing the bag limit and possession limit of same, fixing the hours for shooting and making regulations for shotguns that may be used for shooting migratory birds and other game birds; providing a penalty for the violation of any such regulations; repealing all laws in conflict with any section of this Act, and declaring an emergency."

The bill was read second time.



Mr. Schuenemann offered the following committee amendment to the bill:

Amend House Bill No. 63, by adding Bexar, Bastrop, Shelby, Washington, Hays, Austin, Waller, Colorado, Val Verde, Kinney, Maverick, Travis, Angelina, Tyler, Montgomery, and Grimes to the list of counties in the bill.

Mr. Davis of Fisher moved the previous question on the pending amendment, and the engrossment of House Bill No. 63, and the main question was ordered.

The amendment by Mr. Schuenemann was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 63 was then passed to engrossment.

### HOUSE BILL NO. 63 ON THIRD READING

Mr. Schuenemann moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 63 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Adkins	Davis of Jasper
Alexander	Davison of Fisher
Alsup	Davison
Amos	of Eastland
Baker	Dean
Bates	Deglandon
Beckworth	Derden
Bell	Dickison
Blankenship	Dollins
Boethel	Donaghey
Bond	England
Boyer	Farmer
Bradbury	Felty
Bradford	Fielden
Bridgers	Fox
Broadfoot	Gibson
Brown	Graves
Burton	Hamilton
Cagle	Hankamer
Callan	Hanna
Cathey	Harbin
Cauthorn	Hardin
Celaya	Harper
Cleveland	Harrell
Colquitt	Harris of Archer
Davis of Haskell	Harris of Dallas

Harris of Dickens	Oliver
Hartzog	Palmer
Heflin	Patterson of Mills
Holland	Patterson
Howard	of Travis
Huddleston	Petsch
Hull	Powell
Hyder	Prescott
Jackson	Quinn
Johnson of Ellis	Ragsdale
Johnson	Reed of Bowie
of Tarrant	Reed of Dallas
Jones of Atascosa	Rhodes
Jones of Falls	Riddle
Jones of Wise	Roark
Keefe	Ross
Keith	Russell
Kelt	Rutta
Kern	Schuenemann
King	Settle
Knetsch	Sewell
Langdon	Sharpe
Lankford	Simpson
Lanning	Skaggs
Leonard	Smith of Hopkins
Leyendecker	Smith of Tarrant
Little	Stinson
Mann	Stocks
Mauritz	Talbert
Mays	Tarwater
McConnell	Tennant
McDonald	Tennyson
McKee	Thornberry
McKinney	Thornton
Metcalfe	Vale
Moffett	Waggoner
Monkhouse	Wood
Morris	Worley
Morse	

Nays—1

Lehman

Absent

Anderson	McFarland
Carssow	Nicholson
Herzik	Reader
Hoskins	Shell
Kenyon	Smith
Loggins	of Matagorda
London	Weldon
Lucas	Winfree

Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

The Speaker then laid House Bill No. 63 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—128

Adkins	Johnson of Ellis
Alexander	Johnson
Alsup	of Tarrant
Amos	Jones of Atascosa
Baker	Jones of Falls
Bates	Jones of Wise
Beckworth	Keefe
Bell	Keith
Blankenship	Kelt
Boethel	Kenyon
Bond	Kern
Boyer	King
Bradbury	Knetsch
Bradford	Langdon
Bridgers	Lankford
Broadfoot	Lanning
Brown	Leonard
Burton	Leyendecker
Cagle	Little
Callan	London
Cathey	Mann
Cauthorn	Mauritz
Celaya	Mays
Cleveland	McConnell
Colquitt	McDonald
Davis of Haskell	McFarland
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Metcalfe
Dean	Moffett
Deglandon	Monkhouse
Derden	Morris
Dickson	Morse
Dollins	Palmer
Donaghey	Patterson of Mills
England	Patterson
Farmer	of Travis
Felty	Petsch
Fielden	Powell
Fox	Prescott
Gibson	Quinn
Hamilton	Ragsdale
Hankamer	Reader
Hanna	Reed of Bowie
Harbin	Reed of Dallas
Hardin	Rhodes
Harper	Riddle
Harrell	Roark
Harris of Archer	Ross
Harris of Dallas	Russell
Harris of Dickens	Rutta
Hartzog	Schuenemann
Heflin	Settle
Herzik	Sewell
Holland	Sharpe
Howard	Simpson
Huddleston	Skaggs
Hull	Smith of Hopkins
Hyder	Smith of Tarrant
Jackson	Stinson

Stocks	Thornton
Talbert	Vale
Tarwater	Waggoner
Tennant	Wood
Tennyson	Worley
Thornberry	

## Nays—2

Davis of Jasper	Lehman
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## Absent

Anderson	Oliver
Carssow	Shell
Graves	Smith
Hoskins	of Matagorda
Loggins	Weldon
Lucas	Winfree
Nicholson	

## Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

## HOUSE BILL NO. 23 ON SECOND READING

Mr. Reader moved to suspend the regular order of business, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 23, A bill to be entitled "An Act to raise revenue for the Old Age Assistance Fund, Available School Fund, Destitute Children and Needy Blind Fund, Teacher's Retirement Fund, and the General Revenue Fund; amending Section 2, Subdivision 1, of Article 7057a of the Revised Civil Statutes of Texas, 1925, same being Section 2, Subdivision 1, Chapter 162, Acts of the Forty-third Legislature, 1933, as amended by the Acts of the First Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 4; amending Section 3, Chapter 73, Acts of the Regular Session of the Forty-second Legislature, as amended by the Acts of the Third Called Session of the Forty-fourth Legislature, Chapter 495, Article 4, Section 8; amending Section 8, Chapter 73, Acts of the Regular Session of the Forty-second Legislature; amending Section 45, Article 7047, Revised Civil Statutes of Texas, 1925, same being Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 7; amending Section 40A, Article 7047, Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Forty-second Legislature,

1931, page 355, Chapter 212, Section 1, as amended by Acts of 1936, Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 6; amending Article 111, Section 6, Acts of the Third Called Session of the Forty-fourth Legislature; amending Article 7070, Revised Civil Statutes of Texas, 1925, as amended, Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Article 4, Section 1, House Bill No. 8, amending Article 7060, Revised Civil Statutes of Texas, 1925, as amended by Chapter 34, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Article IV, Section 3, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature; providing that the State shall have a prior lien for all taxes, penalties and interest levied herein; expressly preserving all taxes, penalties, and interest accruing by virtue of any reenacted or repealed provisions of this Act and declaring them to be legal and valid obligations to the State; allocating certain funds to Old Age Assistance Fund, to General Revenue, Available School Fund, Destitute Children's and Needy Blind Fund, and Teachers' Retirement Fund; declaring the Act to be severable; repealing all laws in conflict, and declaring an emergency."

The motion prevailed by the following vote:

## Yeas—87

Adkins	England
Alexander	Farmer
Alsup	Fielden
Amos	Fox
Baker	Hamilton
Bates	Harbin
Beckworth	Harper
Bell	Harrell
Boethel	Harris of Archer
Bond	Harris of Dickens
Bradbury	Herzik
Bradford	Holland
Bridgers	Huddleston
Broadfoot	Hull
Brown	Hyder
Burton	Johnson of Ellis
Cagle	Jones of Falls
Cauthorn	Jones of Wise
Cleveland	Keefe
Davis of Jasper	Keith
Davison of Fisher	Kelt
Dean	Kern
Deglandon	King
Derden	Langdon
Dickison	Lankford

Lanning	Reader
Lehman	Reed of Bowie
London	Roark
Mauritz	Ross
Mays	Russell
McConnell	Rutta
McDonald	Sharpe
Metcalfe	Skaggs
Moffett	Smith of Hopkins
Morris	Smith
Morse	of Matagorda
Oliver	Stinson
Palmer	Stocks
Patterson of Mills	Talbert
Patterson	Tarwater
of Travis	Tennyson
Powell	Thornberry
Prescott	Waggoner
Quinn	Worley
Ragsdale	

## Nays—39

Boyer	Little
Callan	Loggins
Celaya	Mann
Donaghey	McKinney
Felty	Monkhouse
Gibson	Nicholson
Hankamer	Petsch
Hanna	Reed of Dallas
Hardin	Rhodes
Harris of Dallas	Riddle
Hartzog	Schuenemann
Heflin	Settle
Howard	Sewell
Jackson	Shell
Johnson	Simpson
of Tarrant	Smith of Tarrant
Jones of Atascosa	Tennant
Kenyon	Thornton
Knetsch	Vale
Leonard	Winfree

## Present—Not Voting

McFarland

## Absent

Anderson	Dollins
Blankenship	Graves
Carsow	Hoskins
Cathey	Leyendecker
Colquitt	Lucas
Davis of Haskell	McKee
Davison	Weldon
of Eastland	Wood

## Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

### PAIRED

Mr. McFarland (present), who would vote "nay", with Mr. Westbrook (absent), who would vote "yea".

The Speaker then laid the bill before the House, and it was read second time.

Question—Shall House Bill No. 23 pass to engrossment?

### RECESS

Mr. Hamilton moved that the House recess until 2:30 o'clock p. m., today.

Mr. Worley moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Hull moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—45

Alexander	Jones of Atascosa
Blankenship	Kenyon
Boyer	Leonard
Bradford	Little
Cagle	Mann
Callan	Mauritz
Celaya	McKinney
Dean	Nicholson
Donaghey	Rhodes
Felty	Riddle
Fielden	Schuenemann
Gibson	Settle
Graves	Sewell
Hankamer	Shell
Hanna	Simpson
Hardin	Smith
Harris of Dallas	of Matagorda
Hartzog	Smith of Tarrant
Heflin	Tennant
Howard	Thornton
Hull	Vale
Jackson	Winfrey
Johnson	Worley
of Tarrant	

#### Nays—86

Adkins	Bridgers
Alsup	Broadfoot
Amos	Brown
Baker	Burton
Bates	Cauthorn
Beckworth	Cleveland
Bell	Davis of Jasper
Boethel	Davison of Fisher
Bond	Davisson
Bradbury	of Eastland

Deglandon	McFarland
Derden	Metcalfe
Dickison	Moffett
England	Monkhouse
Farmer	Morris
Fox	Morse
Hamilton	Oliver
Harbin	Palmer
Harper	Patterson of Mills
Harrell	Patterson
Harris of Archer	of Travis
Harris of Dickens	Petsch
Herzik	Powell
Holland	Prescott
Huddleston	Quinn
Hyder	Ragsdale
Johnson of Ellis	Reader
Jones of Falls	Reed of Bowie
Jones of Wise	Reed of Dallas
Keefe	Roark
Keith	Ross
Kelt	Russell
Kern	Rutta
King	Sharpe
Knetsch	Skaggs
Langdon	Smith of Hopkins
Lankford	Stinson
Lanning	Stocks
Lehman	Talbert
Loggins	Tarwater
London	Tennyson
Mays	Thornberry
McConnell	Waggoner
McDonald	Wood

#### Absent

Anderson	Hoskins
Carssow	Leyendecker
Cathey	Lucas
Colquitt	McKee
Davis of Haskell	Weldon
Dollins	

#### Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Question next recurring on the motion to recess until 2:30 o'clock p. m., today, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—91

Adkins	Bradbury
Alsup	Bradford
Amos	Bridgers
Bates	Broadfoot
Beckworth	Brown
Bell	Burton
Boethel	Cagle
Bond	Cauthorn

Cleveland	Mays
Davis of Jasper	McConnell
Davison of Fisher	McDonald
Davisson	McFarland
of Eastland	McKee
Derden	Metcalfe
England	Moffett
Farmer	Monkhouse
Fielden	Morris
Fox	Morse
Gibson	Oliver
Hamilton	Palmer
Harbin	Patterson of Mills
Harrell	Patterson
Harris of Archer	of Travis
Harris of Dickens	Powell
Heflin	Prescott
Herzik	Quinn
Holland	Ragsdale
Huddleston	Reader
Hull	Reed of Bowie
Hyder	Roark
Johnson of Ellis	Ross
Jones of Falls	Russell
Jones of Wise	Rutta
Keefe	Sharpe
Keith	Simpson
Kelt	Skaggs
Kern	Smith of Hopkins
King	Smith
Knetsch	of Matagorda
Langdon	Smith of Tarrant
Lankford	Stinson
Lanning	Talbert
Lehman	Tarwater
Loggins	Tennyson
London	Thornberry
Mann	Waggoner
Mauritz	Wood

## Nays—40

Alexander	Jones of Atascosa
Baker	Kenyon
Blankenship	Leonard
Boyer	Little
Callan	McKinney
Celaya	Nicholson
Dean	Petsch
Deglandon	Reed of Dallas
Dickison	Rhodes
Donaghey	Riddle
Felty	Schuenemann
Graves	Settle
Hankamer	Sewell
Hanna	Shell
Hardin	Stocks
Harris of Dallas	Tennant
Hartzog	Thornton
Howard	Vale
Jackson	Winfree
Johnson	Worley
of Tarrant	

## Absent

Anderson	Harper
Carssow	Hoskins
Cathey	Leyendecker
Colquitt	Lucas
Davis of Haskell	Weldon
Dollins	

## Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

The House, accordingly, at 12:30 o'clock p. m., took recess until 2:30 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

## MOTION TO SET HOUSE BILL NO. 14 AS A SPECIAL ORDER

Mr. McFarland moved that House Bill No. 14 be set as a special order for 10:00 o'clock a. m., next Thursday.

The motion was lost.

## HOUSE BILL NO. 23 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 23, To provide for the levying of certain taxes, etc.

The bill having been read second time on this morning.

Mr. Morris offered the following committee amendment to the bill:

Amend House Bill No. 23, by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 40A of Article 7047, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, Regular Session, page 355, Chapter 212, Section 1, as amended by Acts, 1936, Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 6, be and the same is hereby amended so as to read as follows:

"40A. Sulphur producers: Each person, firm, association, or corporation who owns, controls, manages,

leases, or operates, any sulphur mine, or mines, or shafts, or who produces sulphur by any method, system, or manner within this State shall make quarterly on the first day of January, April, July and October of each year a report to the Comptroller sworn to by such person before an officer authorized to administer oaths in this State, or if such person be other than an individual, sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller shall prescribe, showing the total amount of sulphur produced within this State by said person during the quarter next preceding; and at the time of making said report shall pay to the Treasurer of this State an occupation tax for the quarter ending on said date an amount equal to One Dollar and Fifty Cents (\$1.50) per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax herein levied begin business after the beginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by taking the total number of tons produced within the last quarter, dividing the same by the number of days such person was engaged in the business during said preceding quarter and multiplying the quotient by ninety, and multiplying the product by One Dollar and Fifty Cents (\$1.50). Said tax shall be in lieu of the tax imposed by House Bill No. 251, Chapter 212, Acts of the Regular Session of the Forty-second Legislature, but said tax shall be paid in the same manner, subject to the same penalties, and under the same conditions as provided in said Act, except that said funds shall be allocated as hereinafter provided."

Section 2. That Section 2, Subdivision 1, of Article 7057a of the Revised Civil Statutes of Texas, 1925, same being Section 2. Subsection 1, Chapter 162, Acts of the Forty-third Legislature, Regular Session, 1933, as amended by Acts of the First Called Session of the Forty-third Legislature, 1933, Chapter 12, Section 1, as amended by Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 4, be amended so as to read hereafter as follows:

"Section 2. (1) There is hereby levied an occupation tax on oil produced within this State of four cents (4c) per barrel of forty-two (42) standard gallons. Said tax shall be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State without any deductions, and shall be based upon tank tables showing one hundred per cent (100%) of production and exact measurements of contents. Provided, however, that the occupation tax herein levied on oil shall be four per cent (4%) of the market value of said oil whenever the market value is in excess of One (\$1.00) Dollar per barrel of forty-two (42) standard gallons. The market value of oil, as that term is used herein, shall be the actual market value thereof, plus any bonus or premiums, or other things of value paid therefor or which such oil will reasonably bring, if produced in accordance with the laws, rules and regulations of the State of Texas.

"(2) The tax hereby levied shall be a liability of the producer of oil and it shall be the duty of such producer to keep accurate records of all oil produced, making monthly reports under oath as hereinafter provided.

"(3) The purchaser of oil shall pay the tax on all oil purchased and deduct the tax so paid from payment due producer or other interest holders, making such payments so deducted to the Comptroller of Public Accounts by legal tender or cashier's check payable to the State Treasurer. Provided, that if oil produced is not sold during the month in which produced, the said producer shall pay the tax at the same rate and in the same manner as if said oil were sold.

"(4) The tax levied herein shall be paid monthly on the twenty-fifth day of each month on all oil produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid; and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein, the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may

have accrued by failure to make payments and shall be entitled to reasonable attorney fees and court costs incurred by such legal action.

"(5) Provided, that unless such payment of tax on all oil produced during any month or fractional part thereof shall be made on or before the twenty-fifth day of the month immediately following, such payment shall become delinquent and a penalty of ten per cent (10%) of the amount of the tax shall be added; such tax and penalty shall bear interest at the rate of six per cent (6%) per annum from date due until date paid.

"(6) The tax herein levied shall be borne ratably by all interested parties, including royalty interests, and producers and/or purchasers of oil are hereby authorized and required to withhold from any payment due interested parties the proportionate tax due and remit the same to the Comptroller.

"(7) On affidavit by the Comptroller that the producer has failed and refused to file crude oil reports as required by law, the purchasing and/or pipe line company shall not receive or take any oil from such producer's lease or leases unless and until notified by the Comptroller that said law has been complied with.

"(8) Whenever any lease or leases, producing oil, changes legal control, it shall be the duty of the transferor of said lease or leases to note on his last report that said lease or leases has been sold or transferred, showing the effective date of said change and the name and address of the individual, firm, association, joint stock company, syndicate, co-partnership, corporation, agency, receiver, or trustee in bankruptcy who will operate said lease and be responsible for the filing of reports provided for in this Act. Said transferor shall remain liable for the payment of the tax levied by this Act, as well as the transferee, until the provisions of this subsection are complied with by said transferor.

"(9) That all occupation taxes, penalties and interest accruing to the State of Texas by virtue of any of the re-enacted or repealed provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties, and interest accruing under the provisions of prior or pre-existing

laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State."

The passage of this Act shall not affect offenses committed, or prosecutions begun, under any pre-existing law, but any such offenses or prosecutions may be conducted under the law as it existed at the time of the commission of the offense.

Section 3. That Section 3, Chapter 73, Acts of the Regular Session of the Forty-second Legislature, as amended by Acts of the Third Called Session of the Forty-fourth Legislature, Chapter 495, Article 4, Section 8, be and the same is hereby amended so as to read as follows:

"Section 3. A tax shall be paid by each such producer on the amount of gas produced and saved within this State, and on gas imported into this State upon the first sale thereof in intrastate commerce upon the following basis:

"A tax equivalent to four and four tenths per cent (4.4%) of the market value of the total amount of gas produced and saved within this State, or sold if imported into this State, at the market value thereof as and when produced. The market value of gas, as that term is used herein, shall be the actual market value thereof, plus any bonus or premiums, or other things of value paid therefor or which such gas will reasonably bring, if produced in accordance with the laws, rules and regulations of the State of Texas. Provided, however, that if any gas is imported into this State from another State, in which latter State a severance, occupation or excise tax is imposed thereon, the person importing such gas shall not be required to pay another tax thereon under the provisions of this Act.

"For the purposes of this Act, the term 'cubic feet of gas' is meant volume of gas expressed in cubic feet and computed at a base pressure of four ounces per square inch above the average barometric pressure of 14.4 pounds per square inch. A standard base and flowing temperature of sixty (60) degrees Fahrenheit; correction to be made for pressure according to Boyle's law, and for Specific Gravity according to tests made by the Balance Method.

"The tax hereby levied shall be a liability of the producer of gas and it shall be the duty of such producer to keep accurate records of all gas produced, making monthly reports under oath as hereinafter provided.

"The purchaser of gas shall pay the tax on all gas purchased and deduct tax so paid from payment due producer or other interest holder making such payments so deducted to the Comptroller of Public Accounts by legal tender or cashier's check payable to the State Treasury.

"Provided, that if gas produced is not sold during the month in which produced, then said producer shall pay the tax at the same rate and in the manner as if said gas were sold.

"The tax herein levied shall be paid monthly on the twenty-fifth day of each month on all gas produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid; and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein, the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make payments and shall be entitled to reasonable attorney fees and court costs incurred by such legal action."

That all occupation taxes, penalties and interest accruing to the State of Texas by virtue of any of the reenacted or repealed provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties and interest accruing under the provisions of prior or pre-existing laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State.

The passage of this Act shall not affect offenses committed, or prosecutions begun, under any pre-existing law, but any such prosecutions may be conducted under the law as it existed at the time of the commission of the offense.

Section 4. That Section 8 of Chapter 73, Acts of the Regular Session of the Forty-second Legislature, be and the same is hereby amended so as to read hereafter as follows:

"Section 8. (1) The Comptroller shall have the power to adopt any rule and regulation requiring the installation of meters of an approved design and the mode and manner of keeping and reading the same, and every producer is, required, by the provisions of this Act, to install necessary meters.

"(2) For the purpose of enabling the Comptroller or his authorized representative to determine the tax liability of a producer or purchaser or any other person dealing in, transporting, producing or manufacturing any derivative from natural gas or its products or to determine whether a tax liability has been incurred, they shall have the right to inspect any premises where natural gas or any of its derivatives or products are produced, made, prepared, stored, transported, sold, or offered for sale or exchange, examine all of the records required by the Comptroller to be kept, or any other pertinent records which may be kept incident to the conduct of the business of said producer, purchaser, transporter, or any other person dealing in or possessing natural gas or its derivatives or products. The said authorized officials shall also have the right as an incident to determine said tax liability, or whether the tax liability has been incurred, to examine and gauge the contents of all storage tanks, containers, pipe lines and other property or equipment. For the foregoing purposes said authorized officers shall also have the right to remain upon said premises for such length of time as will be necessary to fully determine said tax liability, or whether a tax liability has been incurred.

"(3) If any purchaser or producer fails or refuses to pay any tax, penalty, or interest within the time and manner provided by this Act and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of said claim, in any judicial proceedings, any report filed in the office of the Comptroller by such purchaser, or producer or their representative, or a certified copy thereof, certified to by the Comptroller or Chief Clerk showing the amount of gas produced and



saved, or sold in this State by such producer, purchaser, or importer, on which such tax, penalty and interest have not been paid, or any audit made by the Comptroller or his representative, from the books of said producer, purchaser or importer, when signed and sworn to by such representative as being made from the records of said producer, purchaser, or importer, such report or audit shall be admissible in evidence in such proceedings, and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectness of said report or audit may be shown.

"(4) In the event the Attorney General shall file suit or claim for taxes and shall attach and file as an exhibit any report or audit of said purchaser, producer, or importer, and an affidavit made by the Comptroller or his representative that the taxes shown to be due by said report or audit are past due and unpaid, and all the payments and credits have been allowed, then, unless the party resisting the same shall file an answer in the same form and manner as required by Article 3736, Revised Civil Statutes of Texas, 1925, as amended by Chapter 239, Acts of the Regular Session of the Forty-second Legislature, said audit or report shall be taken as prima facie evidence thereof, and proceedings of said Article are hereby made applicable to suits to collect taxes hereunder.

"(5) On affidavit by the Comptroller that the producer has failed and refused to file natural gas reports as required by law, the purchasing and/or pipe line company shall not receive or take any natural gas from such producer's lease or leases unless and until notified by the Comptroller that said law has been complied with."

Whenever any lease or leases producing natural gas changes legal control, it shall be the duty of the transferor of said lease or leases to note on his last report that said lease or leases has been sold or transferred, showing the effective date of said change and the name and address of the individual, firm, association, joint stock company, syndicate, co-partnership, corporation, agency, receiver, or trustee in bankruptcy who will operate said lease and be responsible for the filing of reports provided for in this Act. Said transferor shall remain liable for the pay-

ment of the tax levied by this Act, as well as the transferee, until the provisions of this subsection are complied with by said transferor.

Section 5. That Section 45, Article 7047, Revised Civil Statutes of Texas, 1925, same being Acts of the Third Called Session of the Forty-fourth Legislature, Chapter 495, Article 4, Section 7, be and the same is hereby amended so as to read as follows:

"Section 45 (1) There is hereby levied an occupation tax on every person in this State manufacturing, producing, or selling carbon black; said tax to be one-ninth ( $1/9$ ) of one cent (1c) per pound on all carbon black produced, manufactured, or sold where the market value is four cents (4c) per pound or less and four and four-tenths per cent (4.4%) of the value of all carbon black produced, manufactured, or sold where the average market value is in excess of four cents (4c) per pound. Provided, only one tax is levied or is intended to be levied herein. The market value of carbon black, as that term is herein used, shall be the actual market value thereof, plus any bonus or premium or other thing of value paid therefor, which such carbon black will reasonably bring, if produced in accordance with the laws, rules and regulations of the State of Texas.

"(2) The tax herein imposed shall be due and payable at the office of the Comptroller at Austin on the twenty-fifth day of each succeeding month, based on the business done the preceding calendar month, and on or before said date such manufacturer or producer shall make and deliver to the Comptroller a verified report showing all carbon black manufactured, produced and sold upon which a tax accrued, and such other information as the Comptroller may require.

"(3) A complete record of the business done, together with any other information the Comptroller may require, shall be kept by such producer, manufacturer, or seller; which said record shall be open to the Comptroller, Attorney General, Auditor and their representatives; the Comptroller shall adopt rules and regulations for the enforcement hereof.

"(4) In the event any person engaged in the business of producing or manufacturing carbon black in this State shall become delinquent in the

payment of taxes herein imposed, or the filing of the reports herein required, the Attorney General may enjoin such person from producing, manufacturing or selling carbon black until the delinquent tax is paid, and the venue of any such suit for injunction is hereby fixed in Travis County.

"(5) If any person shall violate any of the provisions hereof, he shall forfeit to the State of Texas as a penalty not less than Twenty-five (\$25.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each violation and each day's violation shall constitute a separate offense. If any person shall fail to pay said tax promptly, he shall forfeit two per cent (2%) thereof as penalty, and after the first twenty days he shall forfeit an additional eight per cent (8%). Said delinquent taxes and penalties shall draw interest at the rate of eight per cent (8%) from due date until date paid. The State shall have a prior lien for all delinquent taxes, penalties and interest, on all property used by the producer, manufacturer or seller in his business of manufacturing, producing and selling carbon black.

"(6) The term 'carbon black' as herein used includes all pigment produced in whole or in part from natural gas, casing head gas or residue gas by the impinging of a flame upon a channel disc, plate, cylinder, roller, or any other metallic surface, and the tax herein imposed shall reach all products produced in such manner."

(7) That all occupation taxes, penalties and interest accruing to the State of Texas by virtue of any of the reenacted or repealed provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties and interest accruing under the provisions of prior or pre-existing laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State.

The passage of this Act shall not affect offenses committed, or prosecutions begun under any pre-existing law, but any such prosecutions may be conducted under the law as it ex-

isted at the time of the commission of the offense.

Section 6. That Article 7070, Revised Civil Statutes of Texas, 1925, as amended by Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Article 4, Section 1, House Bill No. 8, be and the same is hereby amended so as to read as follows:

"Article 7070. (1) Each individual, company, corporation or association owning, operating, managing or controlling any telephone line or lines or any telephones within this State, and charging for the use of the same, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller, under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association, showing the gross amount received from all business within this State during the preceding quarter in the payment of charges for the use of its line or lines, telephone and telephones, and from the lease or use of any wires or equipment within this State during said quarter. Said individuals, companies, corporations, and associations, at the time of making said reports, shall pay to the State Treasurer, and there is hereby levied upon said individuals, companies, corporations, and associations, an occupation tax for the quarter beginning on said date, equal to two per cent (2%) of the gross receipts, as shown by said report, received from doing business outside of incorporated cities and towns and within incorporated cities and towns of less than two thousand five hundred (2,500) inhabitants according to the last preceding Federal Census; an occupation tax for the quarter beginning on said date, equal to two and one-half per cent (2½%) of said gross receipts, as shown by said report, received from doing business within incorporated cities and towns of more than two thousand five hundred (2,500) inhabitants and not more than ten thousand (10,000) inhabitants according to the last preceding Federal Census; an occupation tax for the quarter beginning on said date, equal to three per cent (3%) of said gross receipts, as shown by said report, received from doing business within incorporated cities and towns of more than ten thousand (10,000) inhabitants, according to the last preceding Federal Census.

"(2) No city or other political subdivision of this State, by virtue of its taxing power, police power or otherwise shall impose an occupation tax or charge of any sort for the privilege of doing business upon any person, corporation or association required to pay an occupation tax under this Article, provided that nothing in this Article shall be construed to prohibit the collection of any tax now imposed or hereafter imposed by a franchise, and provided further that this Article shall not affect any contracts now in existence or hereafter made between a city and the holder of a franchise."

Section 7. That Article 7060, Revised Civil Statutes of 1925, as amended by Chapter 34, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Article IV, Section 3, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature, be and is hereby amended so as to read as follows:

"Article 7060. Each individual, company, corporation or association, owning, operating or managing or controlling any gas, electric light, electric power or water works, or water and light plant, located within any incorporated town or city in this State, and used for local sale and distribution in said town or city, and charging for such gas, electric lights, electric power or water, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association showing the gross amount received from such business done in each such incorporated city or town within this State in the payment of charges for such gas, electric lights, electric power or water for the quarter next preceding. Said individual, company, corporation or association, at the time of making said report for any such incorporated town or city of twenty five hundred (2,500) inhabitants and less than ten thousand (10,000) inhabitants, according to the last Federal Census next preceding the filing of said report, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date equal to one per cent (1%) of said gross receipts, as shown by said report; and for any incorporated town or city of ten thousand

(10,000) inhabitants or more, according to the last Federal Census next preceding the filing of said report, the said individual, company, corporation or association, at the time of making said report, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date an amount equal to two per cent (2%) of said gross receipts, as shown by said report. Nothing herein shall apply to any such gas, electric light, power or water works or water and light plant within this State owned and operated by any city or town, nor to any county or Water Improvement or Conservation District. Nothing herein shall be construed to require payment of the tax on gross receipts herein levied more than once on the same commodity, and where the commodity is produced by one individual, company, corporation or association, and distributed by another, the tax shall be paid by the distributor alone.

No city or other political subdivision of this State, by virtue of its taxing power, police power or otherwise shall impose an occupation tax or charge of any sort for the privilege of doing business upon any person, corporation or association required to pay an occupation tax under this Article, provided that nothing in this Article shall be construed to prohibit the collection of any tax now imposed by a franchise, and provided further that this Article shall not affect any contracts now in existence or hereafter made between a city and the holder of a franchise."

Section 8. That Section 1, Chapter 212, Acts of the Regular Session, Forty-second Legislature, 1931, Subsection 41, be and the same is hereby amended so as to read as follows:

"41. Cement distributors. (a) There is hereby imposed a tax of two cents (2c) on the one hundred (100) pounds, or fractional part thereof, of cement on every person, firm, association or corporation in this State manufacturing or producing in and/or importing cement into this State, and who thereafter distributes, sells or uses the same in intrastate commerce. Said tax shall accrue on and is imposed on the first intrastate distribution, sale or use; provided, however, no tax shall be paid except on one sale, distribution or use. The person liable for said tax is hereby defined to be a 'distributor'.

"(b) Such tax shall be due and payable at the Office of the Comptroller, at Austin, on the twenty-fifth day of each succeeding month based on the business done the preceding calendar month, and on or before said date such distributor shall also make and deliver to the Comptroller a report, sworn to, showing all cement distributed, used and sold, upon which a tax accrues as well as all produced and/or manufactured within this State and imported into or exported out of this State, and such other information as the Comptroller may require.

"(c) A complete record of the business done, together with any other information the Comptroller may require, shall be kept by each distributor; which said records shall be open to the Comptroller, Attorney General, Auditor, and their representatives. The Comptroller shall adopt rules and regulations for the enforcement hereof.

"(d) No person shall act as distributor in this State who shall be delinquent in the payment of said taxes, and the Attorney General may enjoin his acting as such and may enforce the provisions hereof by suit instituted in Travis County.

"(e) If any person shall violate any of the provisions hereof, he shall forfeit to the State of Texas as a penalty not less than Twenty-five (\$25.00) Dollars, and not more than One Thousand (\$1,000.00) Dollars for each violation, and each day's violation shall constitute a separate offense. If any person shall fail to pay said tax promptly, he shall forfeit two per cent (2%) thereof as a penalty, and, after the first twenty (20) days, he shall forfeit an additional eight per cent (8%). Delinquent taxes and penalties shall draw interest at the rate of eight per cent (8%) from due date until date paid. The State shall have a prior lien for all delinquent taxes, penalties and interest on all of the property used by the distributor in his business of distributing, selling and/or using cement."

Section 9 (A). The following words, terms and phrases as used in this Section are hereby defined as follows:

"(1) The term 'Person' as used herein shall mean and include every individual, firm, association, joint stock company, syndicate, co-partner-

ship, corporation, trustee, agency or receiver.

"(2) The term 'Admission' as used herein shall be construed to mean any charge made or fee collected for entrance or admission to any place and shall include any charge made or fee collected for seats and tables reserved or otherwise and other similar accommodations, and the charges made therefor. Cover charges and all other similar service or accommodation charges shall be construed as an admission charge. If both an entrance fee and a charge for a seat or table or other similar accommodation are made and collected, the entrance fee and the charge made for the other accommodation shall be cumulative and shall be construed as one admission charge.

"(3) The term 'Comptroller' as used herein shall mean the Comptroller of Public Accounts of the State of Texas.

"(4) The term 'Continuous Performance' as used herein shall be construed to mean any place subject to the tax levied herein which is open for admission in the same location from day to day for a period of a calendar month or more.

"(5) The term 'Theatrical Enterprises' as used herein shall mean and include spoken plays or performances, whether or not with musical parts or accompaniments, commonly known and referred to as legitimate theatre performances, and shall include moving picture theatres and other mechanical reproductions of plays, performances, exhibitions, contests and current national or world events.

"(6) The term 'Other Amusement or Enterprises' as used herein shall mean and include horse racing, dog racing, motorcycle racing, automobile racing and like mechanical or animal contests and exhibitions; dance halls, night clubs, skating rinks and any and all other like place of amusement, contests and exhibitions."

"(B). A tax of one cent (1c) for each ten cents (10c) or fraction thereof of the amount paid for admission to any place, including admission by season ticket or subscription, is hereby levied and shall be paid to the Treasurer of the State of Texas through the Comptroller by the person receiving payment for such admissions. Provided, however, that no tax shall be imposed on

'theatrical enterprises or other amusements or enterprises' as those terms are hereinabove defined when the amount charged for admission is less than forty-one cents (41c) per person. In the case of persons (except bona fide employees, State and municipal officers on official business, and children under twelve years of age) admitted free or at reduced rates to any place at a time when and under circumstances under which an admission charge is made to other persons, an equivalent tax shall be paid based on the price so paid by such other persons for the same or similar accommodations.

"(C). Every person receiving payments for admission to any place subject to the tax levied herein shall make and file with or transmit by the United States mail to the Comptroller in Austin, Travis County, Texas, a report showing the gross amount received, the price or fee paid and the number of tickets sold in each price range, the number of season tickets sold, the number of persons admitted on complimentary tickets upon which a tax is due and any other information the Comptroller may require. Said reports shall be properly sworn to and executed by the person receiving payments for said admissions and shall be filed with or mailed by registered mail to the Comptroller the day following the receiving of such payments. Provided, however, that any person operating a place of 'continuous performance' as that term is hereinabove defined may, in lieu of filing the daily reports, make and file with the Comptroller a monthly report on the tenth day of each month showing the foregoing information for the preceding calendar month. Every person required to make such reports shall, at the time of filing or mailing the report, pay to the Treasurer of this State through the Comptroller the amount of the tax due for admission fees received during the period covered by said report. Provided further, that the Comptroller may at his discretion authorize his representatives or agents to verify and collect the tax levied herein from persons required to make daily reports at the time payments for admission are received or at the time admission tickets previously sold by said person are collected upon admission. Such authorized representatives shall issue a temporary receipt

in duplicate for all such money collected by him and the person paying such tax shall attach the duplicate of said receipt to the daily report required to be made and filed with or mailed to the Comptroller.

"(D). Every operator of any place of continuous performance in which an admission tax accrues shall keep for a period of one (1) year for the inspection at all times of the Comptroller and the Attorney General of this State or their duly authorized representatives a book record containing all the information required to be shown on the report described in the preceding subsection.

"(E). The tax levied herein shall not apply to any admissions all the proceeds of which inure (1) exclusively to the benefit of religious, educational or charitable institutions, societies or organizations, societies for the prevention of cruelty to children or animals, or societies or organizations conducted for the sole purpose of improving any city, town, village, community or other municipality, if no part of the earnings thereof inures to the benefit of any private stockholder, or individual; or (2) exclusively to persons who have served in the military or naval forces of the United States and are in need; or (3) exclusively to the benefit of National Guard organizations, or organizations of war veterans, or auxiliary units or societies of any such organizations, if no part of their net earnings inures to the benefit of any private stockholder or individual; or (4) exclusively to the benefit of members of the police or fire department of any city, town, village, community, or other municipality, or the dependents or heirs of such members.

The said tax levied herein shall not apply to any admissions all the proceeds of which are used exclusively for the improvement, maintenance and operation of State, town, village, community, municipal, and county fairs or agricultural fairs, if no part of the net earnings inures to the benefit of any private stockholder, organization, or individual connected with or exhibiting in such fair grounds.

"(F) The price or fee charged for admission and the amount of the tax due shall be printed or stamped separately on that part of every admission ticket which is to be taken up by the manager of any place of amusement together with the name of the vendor if sold other than at

the ticket office of such place of amusement.

"(G). The tax herein levied shall be a joint liability of the owner and operator of any place where an admission price or fee is charged, and, in the event any person owning or operating any such place shall fail or refuse to pay said tax on the date required herein to be paid, he shall forfeit to the State the sum of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars for each violation and each day's delinquency shall constitute a separate offense. The State of Texas shall have a prior lien for all delinquent taxes and penalties on all property used by the owner or operator of any such place, and the Attorney General of this State may file suit for the collection of such tax and penalties in any District Court of Travis County, Texas, and for the foreclosure of such lien, and may enjoin the operation of any such business or place until such tax has been paid.

"(H). Any person required herein to pay any tax, or to make and file a report, keep any records, or supply any information for the purpose of computation, assessment, or collection of any tax levied herein, who fails and refuses (a) to pay such tax, (b) make and file such reports, (c) keep such records, or (d) supply such information, at the time or times required by law, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or confined in jail for not less than one (1) month nor more than six (6) months or both such fine and imprisonment.

"(I). It is hereby made the duty of the Comptroller to collect, supervise, and enforce the collection of the tax levied herein and all persons subject to such tax shall permit him or his authorized representatives to enter upon the premises where such admission fees are collected and shall supply him or such representatives with all records and information necessary to compute the amount of the tax due. Said Comptroller shall also have the power and authority to make and publish rules and regulations, not inconsistent with the provisions herein or the other laws or the Constitution of this State or of

the United States, for the enforcement of the provisions herein and the collection of the revenues hereunder. Provided further, that Five Thousand (\$5,000.00) Dollars of the funds derived under the provisions of this Act shall be set aside annually in a special fund subject to the use of the Comptroller and so much of said fund as may be needed shall be expended for the printing of report forms and receipts for the administration and enforcement of the provisions of this Act and such amount is hereby appropriated for said purposes, same to be expended as needed; any unexpended portion of said fund so specified shall at the end of the biennium be paid into the General Revenue Fund of the State of Texas. Provided, however, that any salaries so here authorized to be paid shall not exceed in any particular the amount specified in the general appropriation bill setting salaries for State employees, for the same, or similar services.

"(J). All taxes, penalties and interest accruing to the State of Texas by virtue of any of the amended or repealed provisions as set out in this Act before the effective date thereof shall be and remain valid and binding obligations to the State of Texas and all such taxes, penalties and interest now or hereafter becoming delinquent to the State before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State.

"(K) That Section 6, Article III, House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, as amended by House Bill No. 377, Acts of the Regular Session of the Forty-fifth Legislature, be and the same are hereby repealed."

Section 10. All revenues derived and collected under the provisions of this Act by the State of Texas, shall be deposited in an account to be set up and prescribed by proper administrative officials, and from said account shall be transferred and/or allocated as follows:

1. To the Available School Fund of the State the constitutional one-fourth of said revenues. In addition thereto for the fiscal year ending August 31, 1938, an amount not to exceed Two Million (\$2,000,000.00) Dollars or such a part thereof as is necessary to provide for the payment of the per capita apportion-

ment to schools as fixed for the year ending August 31, 1938, the said amount to be provided on a basis of equal monthly installments.

2. To the Old Age Assistance Fund a sum for the fiscal year ending August 31, 1938, equal to the pro rata part of Two Million (\$2,000,000.00) Dollars as such effective period of this bill for the fiscal year bears to the entire fiscal year, and Two Million (\$2,000,000.00) Dollars for each fiscal year thereafter if required, the said amounts to be provided on a basis of equal monthly installments. In addition to this provision there shall be transferred from the first available accumulated funds before transfer of any amount to the General Revenue Fund the sum of One Million Six Hundred Twenty-six Thousand Five Hundred (\$1,626,500.00) Dollars to the Old Age Assistance Fund, such transfer being contingent upon all outstanding Old Age Assistance Warrants held by banks being retired before or with such transferred funds.

3. To the Division of Public Welfare of the Board of Control for the purpose of providing assistance to the blind in the manner prescribed by law such part of Three Hundred Thousand (\$300,000.00) Dollars as such effective period of this Act for the fiscal year bears to the entire fiscal year and there shall be transferred to such fund Three Hundred Thousand (\$300,000.00) Dollars for each fiscal year thereafter as required, the said amounts to be provided on a basis of equal monthly installments.

4. To the Division of Public Welfare of the Board of Control for the purpose of providing assistance to the Dependent and Destitute Children such part of One Million Five Hundred Thousand (\$1,500,000.00) Dollars as such effective period of this Act for the fiscal year bears to the entire fiscal year and there shall be transferred to such fund One Million Five Hundred Thousand (\$1,500,000.00) Dollars for each fiscal year thereafter, as required, the said amount to be provided on a basis of equal monthly installments.

5. There shall be transferred to the General Revenue Fund of the State of Texas any amounts in the accumulation fund not otherwise provided for in this Act, after provision for reserved amounts, and the accumulation fund is to be cleared in

full at the end of each calendar month.

Section 11. (1) All taxes, fines, penalties and interest due by any person, firm, association or corporation to the State shall be a preferred lien, first and prior to any and all other existing liens, contract or statutory, legal or equitable, and regardless of the time such liens originated, upon all the property of any person, firm, association or corporation.

If any person, firm, association or corporation shall fail to remit proper taxes due, the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly remitted, the person, firm, association or corporation shall pay the reasonable expenses incurred in such investigation and audit as additional penalties.

Section 12. That all occupation taxes, penalties and interest accruing to the State of Texas by virtue of any of the reenacted or repealed provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties, and interest accruing under the provisions of prior or pre-existing laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State.

The passage of this Act shall not affect offenses committed, or prosecutions begun, under any pre-existing law, but any such offenses or prosecutions may be conducted under the law as it existed at the time of the commission of the offense.

Section 13. That the sections, subsections, paragraphs, sentences, clauses, phrases and words of this Act are separable and severable and if any of the above said enumerated divisions shall be held unconstitutional or void by any court of competent jurisdiction, for any reason, the same shall not affect the validity or constitutionality of any other of the above said enumerated divisions, and the same shall remain and be in full force and effect.

Section 14. That all laws and parts of laws, both General and Special, in conflict with any section



of this bill are hereby expressly repealed.

Section 15. The fact that the State of Texas is faced with an ever increasing deficit in the General Revenue Fund and the Old Age Assistance Fund; and the further fact that additional revenue is needed to carry out the mandate of the people of Texas for the purpose of providing assistance for the adult blind and dependent and destitute children creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after the date of its passage, and it is so enacted.

Mr. Carssow moved that the House consider the committee amendment section by section, in the order in which they appear in the bill.

Mr. Russell moved to table the motion by Mr. Carssow.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 68; nays, 63.

A verification of the vote was requested.

Mr. Amos moved a call of the House for the purpose of maintaining a quorum pending consideration of the verification, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

#### Yeas—68

Adkins	Cleveland
Alsup	Davis of Haskell
Amos	Davis of Jasper
Bates	Davison of Fisher
Beckworth	Deglandon
Bell	Dickison
Boethel	England
Bond	Graves
Bradbury	Hamilton
Bradford	Harbin
Broadfoot	Harper
Brown	Harrell
Burton	Harris of Archer
Cathey	Herzik
Cauthorn	Holland

Huddleston  
Jones of Falls  
Jones of Wise  
Keefe  
Keith  
Kelt  
Kern  
King  
Langdon  
Lankford  
Lehman  
Leyendecker  
London  
Lucas  
Mays  
McConnell  
McDonald  
Metcalf  
Morris  
Oliver

Palmer  
Patterson of Mills  
Patterson  
of Travis  
Powell  
Prescott  
Quinn  
Ragsdale  
Reed of Bowie  
Roark  
Ross  
Russell  
Sharpe  
Skaggs  
Smith of Hopkins  
Talbert  
Tarwater  
Thornberry  
Weldon

#### Nays—70

Alexander  
Anderson  
Baker  
Blankenship  
Boyer  
Bridgers  
Cagle  
Callan  
Carssow  
Celaya  
Colquitt  
Davisson  
of Eastland  
Dean  
Derden  
Dollins  
Donaghey  
Farmer  
Felty  
Fielden  
Fox  
Gibson  
Hankamer  
Hanna  
Hardin  
Harris of Dallas  
Harris of Dickens  
Hartzog  
Heflin  
Howard  
Hull  
Hyder  
Jackson  
Johnson of Ellis  
Johnson  
of Tarrant  
Jones of Atascosa

Kenyon  
Knetsch  
Lanning  
Little  
Loggins  
Mann  
Mauritz  
McFarland  
McKee  
McKinney  
Moffett  
Monkhouse  
Morse  
Nicholson  
Petsch  
Reader  
Reed of Dallas  
Rhodes  
Riddle  
Rutta  
Schuenemann  
Settle  
Sewell  
Simpson  
Smith  
of Matagorda  
Smith of Tarrant  
Stinson  
Stocks  
Tennant  
Tennyson  
Thornton  
Vale  
Waggoner  
Winfrey  
Wood

#### Absent

Hoskins  
Leonard  
Shell  
Worley



## Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

The Speaker announced that the motion to table was lost.

Question then recurring on the motion by Mr. Carssow, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—74

Alexander	Lanning
Anderson	Leonard
Baker	Leyendecker
Blankenship	Little
Boyer	Loggins
Bridgers	Mann
Callan	Mauritz
Carssow	McFarland
Cathey	McKee
Celaya	McKinney
Colquitt	Moffett
Davisson	Monkhouse
of Eastland	Morse
Dean	Nicholson
Dollins	Petsch
Donaghey	Quinn
Farmer	Reader
Felty	Reed of Dallas
Fielden	Rhodes
Fox	Riddle
Gibson	Rutta
Hankamer	Schuenemann
Hanna	Settle
Hardin	Sewell
Harris of Archer	Shell
Harris of Dallas	Simpson
Harris of Dickens	Smith
Hartzog	of Matagorda
Heflin	Stinson
Howard	Stocks
Hull	Tennant
Jackson	Tennyson
Johnson of Ellis	Thornton
Johnson	Vale
of Tarrant	Waggoner
Jones of Atascosa	Winfree
Keefe	Wood
Kenyon	Worley
Knetsch	

## Nays—65

Adkins	Broadfoot
Alsup	Brown
Amos	Burton
Bates	Cagle
Beckworth	Cauthorn
Bell	Cleveland
Boethel	Davis of Haskell
Bradbury	Davis of Jasper
Bradford	Davison of Fisher

Deglandon  
Derden  
Dickison  
England  
Graves  
Hamilton  
Harbin  
Harper  
Harrell  
Herzik  
Holland  
Huddleston  
Hyder  
Jones of Falls  
Jones of Wise  
Keith  
Kelt  
Kern  
King  
Langdon  
Lankford  
Lehman  
London  
Lucas

Mays  
McConnell  
McDonald  
Metcalf  
Morris  
Oliver  
Palmer  
Patterson of Mills  
Powell  
Prescott  
Ragsdale  
Reed of Bowie  
Roark  
Ross  
Russell  
Sharpe  
Skaggs  
Smith of Hopkins  
Smith of Tarrant  
Talbert  
Tarwater  
Thornberry  
Weldon

## Absent

Bond  
Hoskins

Patterson  
of Travis

## Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Mr. Thornton moved to reconsider the vote by which the motion prevailed, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—70

Alexander	Felty
Anderson	Fielden
Baker	Gibson
Blankenship	Hankamer
Boyer	Hanna
Bradford	Hardin
Bridgers	Harris of Dallas
Callan	Harris of Dickens
Carssow	Hartzog
Cathey	Heflin
Celaya	Howard
Colquitt	Hull
Dean	Hyder
Davisson	Jackson
of Eastland	Johnson of Ellis
Dollins	Johnson
Donaghey	of Tarrant
Farmer	Jones of Atascosa

Kenyon	Schuenemann
Knetsch	Settle
Lanning	Sewell
Leonard	Shell
Leyendecker	Simpson
Little	Smith
Loggins	of Matagorda
Mann	Smith of Tarrant
Mauritz	Stinson
McFarland	Stocks
McKee	Tennant
McKinney	Tennyson
Monkhouse	Thornton
Nicholson	Vale
Petsch	Waggoner
Reed of Dallas	Winfree
Rhodes	Wood
Riddle	Worley
Rutta	

## Nays—67

Adkins	Kelt
Alsup	Kern
Amos	King
Bates	Langdon
Beckworth	Lankford
Bell	Lehman
Boethel	London
Bradbury	Lucas
Broadfoot	Mays
Burton	McConnell
Cagle	Metcalfe
Cauthorn	Moffett
Cleveland	Morris
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Davison of Fisher	Patterson of Mills
Deglandon	Patterson
Derden	of Travis
Dickison	Powell
England	Prescott
Fox	Quinn
Graves	Ragsdale
Hamilton	Reader
Harbin	Reed of Bowie
Harper	Roark
Harrell	Ross
Harris of Archer	Russell
Herzik	Sharpe
Holland	Skaggs
Huddleston	Smith of Hopkins
Jones of Falls	Talbert
Jones of Wise	Tarwater
Keefe	Thornberry
Keith	Weldon

## Absent

Bond	McDonald
Brown	Morse
Hoskins	

## Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Mr. Hankamer raised a point of order, on further consideration of the committee amendment, at this time, on the ground that the committee amendment seeks to change the original purpose of the bill.

The Speaker overruled the point of order.

Mr. Baker offered the following amendment to Section 1 of the committee amendment:

Amend committee amendment No. 1, House Bill No. 23, by striking out all of Section No. 1 thereof.

BAKER,  
SMITH of Matagorda,  
MAURITZ.

Mr. Skaggs offered the following substitute for the amendment by Mr. Baker:

Amend committee amendment No. 1, House Bill 23, page 2, Section 1, line 2, by striking out the words and figures "\$1.50 per long ton" and insert in lieu, the following: "\$1.75 per 2,000 pound ton".

In line 13, page 2, strike out the words and figures "\$1.50" and insert "\$1.75" in lieu.

Mr. Baker moved to table the substitute amendment by Mr. Skaggs.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—80

Alexander	Hardin
Anderson	Harper
Baker	Harris of Archer
Blankenship	Harris of Dallas
Boethel	Harris of Dickens
Bond	Hartzog
Bradford	Heflin
Broadfoot	Howard
Cagle	Hull
Callan	Hyder
Carssow	Jackson
Cauthorn	Johnson of Ellis
Celaya	Johnson
Cleveland	of Tarrant
Colquitt	Jones of Atascosa
Dean	Kenyon
Davisson	King
of Eastland	Knetsch
Derden	Lanning
Felty	Leonard
Fielden	Leyendecker
Fox	London
Gibson	Mann
Hankamer	Mauritz
Hanna	Mays

McConnell	Settle
McKee	Shell
McKinney	Simpson
Moffett	Smith
Monkhouse	of Matagorda
Morse	Stinson
Nicholson	Stocks
Petsch	Tennant
Quinn	Tennyson
Reader	Thornberry
Reed of Dallas	Thornton
Rhodes	Vale
Riddle	Waggoner
Roark	Winfree
Russell	Wood
Rutta	Worley
Schuenemann	

Nays—54

Adkins	Keith
Alsup	Kelt
Amos	Kern
Bates	Langdon
Beckworth	Lankford
Bell	Lehman
Bradbury	Loggins
Bridgers	Lucas
Brown	McDonald
Burton	Metcalfe
Davis of Haskell	Morris
Davis of Jasper	Oliver
Deglandon	Palmer
Dickison	Patterson
Dollins	of Travis
Donaghey	Powell
England	Prescott
Farmer	Reed of Bowie
Graves	Ross
Hamilton	Sewell
Harbin	Sharpe
Harrell	Skaggs
Herzik	Smith of Hopkins
Holland	Smith of Tarrant
Huddleston	Talbert
Jones of Falls	Tarwater
Jones of Wise	Weldon
Keefe	

Present—Not Voting

McFarland

Absent

Boyer	Little
Cathey	Patterson of Mills
Davison of Fisher	Ragsdale
Hoskins	

Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

PAIRED

Mr. McFarland (present), who would vote "yea", with Mr. West-

brook (absent), who would vote "nay".

Mr. Skaggs offered the following substitute for the amendment by Mr. Baker:

Amend committee amendment No. 1, House Bill No. 23, page 2, Section 1, line 2, by striking out the words and figures "\$1.50 per long ton" and insert in lieu, the following: "\$1.60 per 2,000 pound ton".

In line 13, page 2, strike out the words and figures "\$1.50" and insert "\$1.60" in lieu.

Mr. Bond moved to table the substitute amendment by Mr. Skaggs.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—85

Alexander	Johnson
Anderson	of Tarrant
Baker	Jones of Atascosa
Blankenship	Kenyon
Boethel	King
Bond	Knetsch
Boyer	Lanning
Bradford	Leonard
Broadfoot	Leyendecker
Callan	Little
Carssow	London
Cathey	Mann
Cauthorn	Mauritz
Celaya	Mays
Cleveland	McFarland
Colquitt	McKee
Davison of Fisher	McKinney
Davison	Moffett
of Eastland	Monkhouse
Dean	Morse
Donaghey	Nicholson
Felty	Petsch
Fielden	Quinn
Fox	Reader
Gibson	Reed of Dallas
Hamilton	Rhodes
Hankamer	Riddle
Hanna	Roark
Harbin	Russell
Hardin	Rutta
Harper	Schuenemann
Harris of Archer	Settle
Harris of Dallas	Shell
Harris of Dickens	Simpson
Hartzog	Smith
Heflin	of Matagorda
Hull	Stinson
Hyder	Stocks
Jackson	Tarwater
Johnson of Ellis	Tennant

Tennyson  
Thornberry  
Thornton  
Vale

Waggoner  
Winfree  
Wood  
Worley

### Nays—52

Adkins	Kern
Alsup	Langdon
Amos	Lankford
Bates	Lehman
Beckworth	Loggins
Bell	Lucas
Bradbury	McConnell
Bridgers	McDonald
Brown	Metcalfe
Burton	Morris
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Deglandon	Patterson of Mills
Derden	Patterson
Dickison	of Travis
Dollins	Powell
England	Prescott
Farmer	Reed of Bowie
Graves	Ross
Harrell	Sewell
Herzik	Sharpe
Holland	Skaggs
Huddleston	Smith of Hopkins
Jones of Falls	Smith of Tarrant
Jones of Wise	Talbert
Keith	Weldon
Kelt	

### Absent

Cagle	Keefe
Hoskins	Ragsdale
Howard	

### Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Mr. Skaggs offered the following substitute for the amendment by Mr. Baker:

Amend committee amendment No. 1, House Bill No. 23, page 2, Section 1, line 2, by striking out the words and figures "\$1.50 per long ton" and insert in lieu, the following: "\$1.55 per 2,000 pound ton".

In line 13, page 2, strike out the words and figures "\$1.50" and insert "\$1.55" in lieu.

Mr. Smith of Matagorda moved to table the substitute amendment by Mr. Skaggs.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

### Yeas—83

Alexander	King
Anderson	Knetsch
Baker	Lanning
Blankenship	Leonard
Boethel	Leyendecker
Bond	Little
Boyer	London
Bradford	Mann
Broadfoot	Mauritz
Callan	Mays
Carssow	McFarland
Cathey	McKee
Cauthorn	McKinney
Cleveland	Moffett
Colquitt	Monkhouse
Davison of Fisher	Morse
Davisson	Nicholson
of Eastland	Petsch
Dean	Quinn
Donaghey	Reader
Felty	Reed of Dallas
Fielden	Rhodes
Fox	Riddle
Gibson	Roark
Hamilton	Russell
Hankamer	Rutta
Hanna	Schuenemann
Hardin	Settle
Harper	Shell
Harris of Archer	Simpson
Harris of Dallas	Smith
Harris of Dickens	of Matagorda
Hartzog	Stinson
Heflin	Stocks
Howard	Tarwater
Hull	Tennant
Hyder	Tennyson
Jackson	Thornton
Johnson of Ellis	Vale
Johnson	Waggoner
of Tarrant	Winfree
Jones of Atascosa	Wood
Kenyon	Worley

### Nays—55

Alsup	Dollins
Amos	England
Bates	Farmer
Beckworth	Graves
Bell	Harbin
Bradbury	Harrell
Bridgers	Herzik
Brown	Holland
Burton	Huddleston
Cagle	Jones of Falls
Davis of Haskell	Jones of Wise
Davis of Jasper	Keefe
Deglandon	Keith
Derden	Kelt
Dickison	Kern

Langdon	Powell
Lankford	Prescott
Lehman	Reed of Bowie
Loggins	Ross
Lucas	Sewell
McConnell	Sharpe
McDonald	Skaggs
Metcalfe	Smith of Hopkins
Morris	Smith of Tarrant
Oliver	Talbert
Palmer	Thornberry
Patterson of Mills	Weldon
Patterson of Travis	

Absent

Adkins	Hoskins
Celaya	Ragsdale

Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Mr. Skaggs offered the following substitute for the amendment by Mr. Baker:

Amend committee amendment No. 1, House Bill No. 23, page 2, Section 1, line 2, by striking out the words and figures "\$1.50 per long ton" and insert in lieu, the following: "\$1.50 per 2,000 pound ton".

In line 13, page 2, strike out the words and figures "\$1.50" and insert "\$1.50" in lieu.

Mr. Quinn moved to table the substitute amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—82

Alexander	Donaghey
Anderson	Felty
Baker	Fielden
Blankenship	Fox
Boethel	Gibson
Bond	Hankamer
Boyer	Hanna
Bradford	Hardin
Bridgers	Harper
Cagle	Harris of Archer
Callan	Harris of Dallas
Carsow	Harris of Dickens
Cathey	Hartzog
Celaya	Herzik
Colquitt	Howard
Davison of Fisher	Hull
Dean	Hyder
Derden	Jackson

Johnson of Ellis	Reader
Johnson of Tarrant	Reed of Dallas
Jones of Atascosa	Rhodes
Kenyon	Riddle
King	Roark
Knetsch	Russell
Lanning	Rutta
Leonard	Schuenemann
Leyendecker	Settle
Little	Shell
London	Simpson
Mann	Smith of Matagorda
Mauritz	Stinson
Mays	Stocks
McFarland	Tarwater
McKee	Tennant
McKinney	Tennyson
Moffett	Thornton
Monkhouse	Vale
Morse	Waggoner
Nicholson	Winfree
Petsch	Wood
Quinn	Worley

Nays—53

Adkins	Jones of Wise
Alsup	Keith
Amos	Kelt
Bates	Kern
Beckworth	Langdon
Bell	Lankford
Bradbury	Lehman
Broadfoot	Loggins
Brown	McConnell
Burton	McDonald
Cauthorn	Metcalfe
Cleveland	Morris
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Davisson	Patterson of Mills
of Eastland	Patterson
Deglandon	of Travis
Dickison	Powell
Dollins	Prescott
England	Reed of Bowie
Farmer	Ross
Graves	Sewell
Hamilton	Sharpe
Harbin	Skaggs
Harrell	Smith of Hopkins
Holland	Talbert
Huddleston	Thornberry
Jones of Falls	

Absent

Heflin	Ragsdale
Hoskins	Smith of Tarrant
Keefe	Weldon
Lucas	

Absent—Excused

Fuchs	Leath
Jones of Angelina	Newton

Pope  
Stevenson

Westbrook

Waggoner  
Winfree

Wood  
Worley

Mr. Skaggs offered the following substitute for the amendment by Mr. Baker:

Amend committee amendment No. 1, House Bill No. 23, page 2, Section 1, line 2, by striking out the words and figures "1.50 per long ton" and insert in lieu, the following: "\$1.45 per 2,000 pound ton".

In line 13, page 2, strike out the words and figures "\$1.50" and insert "\$1.45" in lieu.

Mr. Smith of Matagorda moved to table the substitute amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—81

Alexander	Jones of Atascosa
Anderson	Kenyon
Baker	Knetsch
Beckworth	Langdon
Blankenship	Lanning
Boethel	Leonard
Bond	Leyendecker
Boyer	Little
Bradford	London
Bridgers	Mann
Broadfoot	Mauritz
Cagle	Mays
Callan	McFarland
Carsow	McKee
Cathey	McKinney
Colquitt	Moffett
Davison of Fisher	Monkhouse
Davisson	Morse
of Eastland	Nicholson
Dean	Petsch
Derden	Quinn
Donaghey	Reader
Felty	Reed of Dallas
Fielden	Rhodes
Fox	Riddle
Gibson	Roark
Hankamer	Rutta
Hanna	Schuenemann
Hardin	Settle
Harper	Shell
Harris of Archer	Simpson
Harris of Dallas	Smith
Hartzog	of Matagorda
Howard	Stinson
Hull	Stocks
Hyder	Tarwater
Jackson	Tennant
Johnson of Ellis	Tennyson
Johnson	Thornton
of Tarrant	Vale

Nays—55

Adkins	Kelt
Alsup	Kern
Amos	King
Bates	Lankford
Bell	Lehman
Bradbury	Loggins
Brown	Lucas
Burton	McConnell
Cauthorn	McDonald
Cleveland	Metcalfe
Davis of Haskell	Morris
Davis of Jasper	Oliver
Deglandon	Palmer
Dickson	Patterson of Mills
Dollins	Patterson
England	of Travis
Farmer	Powell
Graves	Prescott
Hamilton	Reed of Bowie
Harbin	Ross
Harrell	Russell
Harris of Dickens	Sewell
Herzik	Sharpe
Holland	Skaggs
Huddleston	Smith of Hopkins
Jones of Falls	Smith of Tarrant
Jones of Wise	Talbert
Keith	Weldon

Absent

Celaya	Keefe
Heflin	Ragsdale
Hoskins	Thornberry

Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Mr. Skaggs offered the following substitute for the amendment by Mr. Baker:

Amend committee amendment No. 1, House Bill No. 23, page 2, Section 1, line 2, by striking out the words and figures "\$1.50 per long ton" and insert in lieu, the following: "\$1.40 per 2,000 pound ton".

In line 13, page 2, strike out the words and figures "\$1.50" and insert "\$1.40" in lieu.

Mr. Quinn moved to table the substitute amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—78

Alexander	Knetsch
Anderson	Lanning
Baker	Leonard
Blankenship	Leyendecker
Boethel	Little
Bond	London
Boyer	Mann
Bradford	Mauritz
Bridgers	Mays
Broadfoot	McFarland
Cagle	McKee
Callan	McKinney
Carssow	Moffett
Cathey	Monkhouse
Celaya	Morse
Colquitt	Nicholson
Davison of Fisher	Petsch
Dean	Quinn
Derden	Reader
Donaghey	Reed of Dallas
Felty	Rhodes
Fielden	Riddle
Fox	Rutta
Gibson	Schuenemann
Hankamer	Settle
Hanna	Shell
Hardin	Simpson
Harper	Smith
Harris of Archer	of Matagorda
Harris of Dallas	Stinson
Hartzog	Stocks
Howard	Tarwater
Hull	Tennant
Hyder	Tennyson
Jackson	Thornton
Johnson of Ellis	Vale
Johnson	Waggoner
of Tarrant	Winfree
Jones of Atascosa	Wood
Kenyon	Worley

## Nays—59

Adkins	England
Alsup	Farmer
Amos	Graves
Bates	Hamilton
Beckworth	Harbin
Bell	Harrell
Bradbury	Harris of Dickens
Brown	Herzik
Burton	Holland
Cauthorn	Huddleston
Cleveland	Jones of Falls
Davis of Haskell	Jones of Wise
Davis of Jasper	Keefe
Davisson	Keith
of Eastland	Kelt
Deglandon	Kern
Dickison	King
Dollins	Langdon

Lankford	Powell
Lehman	Prescott
Loggins	Reed of Bowie
Lucas	Roark
McConnell	Ross
McDonald	Russell
Metcalfe	Sewell
Morris	Sharpe
Oliver	Skaggs
Palmer	Smith of Hopkins
Patterson of Mills	Talbert
Patterson	Weldon
of Travis	

## Absent

Heflin	Smith of Tarrant
Hoskins	Thornberry
Ragsdale	

## Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Mr. Jones of Wise moved to table the amendment by Mr. Baker.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—94

Adkins	Fielden
Alexander	Fox
Alsup	Graves
Amos	Hamilton
Anderson	Hanna
Bates	Harbin
Beckworth	Harper
Bell	Harrell
Blankenship	Harris of Archer
Boethel	Harris of Dickens
Bond	Holland
Bradbury	Huddleston
Bridgers	Hyder
Broadfoot	Jones of Falls
Brown	Jones of Wise
Burton	Keefe
Cagle	Keith
Callan	Kelt
Cathey	Kern
Cauthorn	King
Cleveland	Knetsch
Davis of Haskell	Langdon
Davis of Jasper	Lankford
Davisson	Lanning
of Eastland	Lehman
Deglandon	Loggins
Derden	London
Dickison	Mays
Dollins	McConnell
England	McDonald
Farmer	Metcalfe

Moffett	Sewell
Monkhouse	Sharpe
Morris	Shell
Oliver	Simpson
Palmer	Skaggs
Patterson of Mills	Smith of Hopkins
Patterson	Smith
of Travis	of Matagorda
Powell	Smith of Tarrant
Prescott	Stinson
Quinn	Stocks
Reed of Bowie	Talbert
Rhodes	Tarwater
Roark	Tennyson
Ross	Thornberry
Russell	Waggoner
Rutta	Worley
Schuenemann	

## Nays—41

Baker	Jones of Atascosa
Boyer	Kenyon
Bradford	Leonard
Carssow	Little
Celaya	Mann
Colquitt	Mauritz
Davison of Fisher	McFarland
Dean	McKee
Donaghey	McKinney
Felty	Morse
Gibson	Nicholson
Hankamer	Petsch
Hardin	Reed of Dallas
Harris of Dallas	Riddle
Hartzog	Settle
Heflin	Tennant
Howard	Thornton
Hull	Vale
Jackson	Winfree
Johnson of Ellis	Wood
Johnson	
of Tarrant	

## Absent

Herzik	Ragsdale
Hoskins	Reader
Leyendecker	Weldon
Lucas	

## Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Mr. Smith of Matagorda offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to House Bill No. 23, Section No. 1, Subsection 40A, by striking out the words and figures "One Dollar and Fifty Cents (\$1.50)" wherever they appear and substitute in lieu thereof

the words and figures "One Dollar and Ten Cents (\$1.10)".

SMITH of Matagorda,  
BAKER,  
MAURITZ.

Mr. Keith moved the previous question on the pending amendment and Section 1 of the committee amendment, and the motion was not seconded.

(Mr. Knetsch in the Chair.)

Mr. Morris moved to table the amendment by Mr. Smith of Matagorda.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—89

Adkins	Jones of Wise
Alexander	Keefe
Alsup	Keith
Amos	Kelt
Beckworth	Kern
Bell	King
Boethel	Langdon
Bond	Lankford
Bradbury	Lanning
Bridgers	Lehman
Broadfoot	Leyendecker
Brown	Loggins
Burton	London
Callan	Lucas
Carssow	Mays
Cathey	McConnell
Cauthorn	McDonald
Cleveland	Metcalf
Davis of Haskell	Moffett
Davis of Jasper	Monkhouse
Davisson	Morris
of Eastland	Oliver
Deglandon	Palmer
Derden	Patterson of Mills
Dickison	Patterson
Dollins	of Travis
England	Powell
Farmer	Prescott
Felty	Ragsdale
Fox	Reed of Bowie
Hamilton	Rhodes
Harbin	Roark
Harper	Ross
Harrell	Russell
Harris of Archer	Rutta
Harris of Dickens	Settle
Herzik	Sewell
Holland	Sharpe
Huddleston	Skaggs
Hyder	Smith of Hopkins
Johnson of Ellis	Smith of Tarrant
Jones of Falls	Stocks



Talbert  
Tarwater  
Tennyson  
Thornberry

Waggoner  
Weldon  
Worley

Nays—43

Anderson	Mauritz
Baker	McFarland
Blankenship	McKee
Boyer	McKinney
Colquitt	Morse
Davison of Fisher	Nicholson
Donaghey	Petsch
Fielden	Quinn
Gibson	Reader
Hankamer	Reed of Dallas
Harris of Dallas	Riddle
Hartzog	Schuenemann
Heflin	Shell
Howard	Simpson
Hull	Smith
Jackson	of Matagorda
Johnson	Stinson
of Tarrant	Tennant
Jones of Atascosa	Thornton
Kenyon	Vale
Leonard	Winfree
Little	Wood
Mann	

Absent

Bates	Graves
Bradford	Hanna
Cagle	Hardin
Celaya	Hoskins
Dean	Knetsch

Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Question—Shall committee amendment No. 1 be adopted?

RECESS

Mr. Mays moved that the House recess until 7:30 o'clock p. m., today.

Mr. Quinn moved that the House adjourn until 9:00 o'clock a. m., tomorrow.

Mr. McKee moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Metcalfe moved that the House recess until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn until 9:00 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—20

Alexander	Moffett
Bradford	Petsch
Fielden	Quinn
Gibson	Rhodes
Graves	Schuenemann
Hardin	Shell
Howard	Smith
Hull	of Matagorda
Johnson	Tennant
of Tarrant	Thornton
Jones of Atascosa	Wood

Nays—116

Adkins	Heflin
Alsup	Herzik
Amos	Holland
Anderson	Huddleston
Baker	Hyder
Bates	Jackson
Beckworth	Johnson of Ellis
Bell	Jones of Falls
Blankenship	Jones of Wise
Boethel	Keefe
Bond	Keith
Boyer	Kelt
Bradbury	Kenyon
Bridgers	Kern
Broadfoot	King
Brown	Langdon
Burton	Lankford
Cagle	Lanning
Callan	Lehman
Cathey	Leonard
Cauthorn	Leyendecker
Celaya	Little
Cleveland	Loggins
Colquitt	London
Davis of Haskell	Lucas
Davison of Fisher	Mann
Davisson	Mauritz
of Eastland	Mays
Dean	McConnell
Deglandon	McDonald
Derden	McFarland
Dickison	McKee
Dollins	McKinney
Donaghey	Metcalfe
England	Monkhouse
Farmer	Morris
Fox	Morse
Hamilton	Nicholson
Hankamer	Oliver
Hanna	Palmer
Harbin	Patterson of Mills
Harper	Patterson
Harrell	of Travis
Harris of Archer	Powell
Harris of Dallas	Prescott
Harris of Dickens	Ragsdale
Hartzog	Reader

Reed of Bowie	Smith of Hopkins
Reed of Dallas	Stinson
Riddle	Stocks
Roark	Talbert
Ross	Tarwater
Russell	Tennyson
Rutta	Thornberry
Settle	Vale
Sewell	Waggoner
Sharpe	Weldon
Simpson	Winfree
Skaggs	Worley

Absent

Carssow	Hoskins
Davis of Jasper	Knetsch
Felty	Smith of Tarrant

Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Question next recurring on the motion to adjourn until 10:00 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—52

Alexander	Loggins
Blankenship	Mann
Boyer	Mauritz
Bradford	McFarland
Callan	McKee
Carssow	McKinney
Celaya	Monkhouse
Colquitt	Morse
Dean	Nicholson
Donaghey	Petsch
Gibson	Rhodes
Hankamer	Riddle
Hanna	Schuenemann
Hardin	Settle
Harris of Dallas	Shell
Hartzog	Simpson
Heflin	Smith
Howard	of Matagorda
Hull	Smith of Tarrant
Jackson	Stinson
Johnson of Ellis	Tennant
Johnson	Tennyson
of Tarrant	Thornton
Jones of Atascosa	Vale
Kenyon	Waggoner
Leonard	Wood
Little	Worley

Nays—84

Adkins	Amos
Alsup	Bates

Beckworth	Kern
Bell	King
Boethel	Langdon
Bond	Lankford
Bradbury	Lanning
Bridgers	Lehman
Broadfoot	Leyendecker
Brown	London
Burton	Lucas
Cagle	Mays
Cathey	McConnell
Cauthorn	McDonald
Cleveland	Metcalfe
Davis of Haskell	Moffett
Davison of Fisher	Morris
Davison	Oliver
of Eastland	Palmer
Deglandon	Patterson of Mills
Derden	Patterson
Dickison	of Travis
Dollins	Powell
England	Prescott
Farmer	Quinn
Fielden	Ragsdale
Fox	Reader
Graves	Reed of Bowie
Hamilton	Reed of Dallas
Harbin	Roark
Harper	Ross
Harrell	Russell
Harris of Archer	Rutta
Harris of Dickens	Sewell
Herzik	Sharpe
Holland	Skaggs
Huddleston	Smith of Hopkins
Hyder	Stocks
Jones of Falls	Talbert
Jones of Wise	Tarwater
Keefe	Thornberry
Keith	Weldon
Kelt	Winfree

Absent

Anderson	Felty
Baker	Hoskins
Davis of Jasper	Knetsch

Absent—Excused

Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Question then recurring on the motion to recess until 7:30 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—46

Amos	Bond
Bates	Bradbury
Beckworth	Bradford
Bell	Bridgers

Broadfoot	Lankford
Brown	Lehman
Cauthorn	Mays
Davisson	McConnell
of Eastland	Morris
Dickison	Palmer
England	Patterson of Mills
Farmer	Prescott
Fielden	Quinn
Harper	Ragsdale
Herzik	Reed of Bowie
Holland	Reed of Dallas
Huddleston	Russell
Hyder	Sharpe
Jones of Wise	Skaggs
Keefe	Smith of Hopkins
Keith	Stocks
Kelt	Talbert
Kern	Wood
Langdon	

## Nays—87

Adkins	Kenyon
Alexander	King
Alsup	Lanning
Blankenship	Leonard
Boethel	Leyendecker
Boyer	Little
Burton	Loggins
Cagle	London
Callan	Lucas
Carssow	Mann
Cathy	Mauritz
Celaya	McDonald
Cleveland	McFarland
Colquitt	McKee
Davis of Haskell	McKinney
Davison of Fisher	Metcalfe
Dean	Moffett
Deglandon	Morse
Derden	Nicholson
Dollins	Oliver
Donaghey	Patterson
Fox	of Travis
Gibson	Petsch
Graves	Powell
Hankamer	Reader
Hamilton	Rhodes
Hanna	Riddle
Harbin	Roark
Hardin	Ross
Harrell	Rutta
Harris of Archer	Schuenemann
Harris of Dallas	Settle
Hartzog	Sewell
Heflin	Shell
Howard	Simpson
Hull	Smith of Tarrant
Jackson	Stinson
Johnson of Ellis	Tarwater
Johnson	Tennant
of Tarrant	Tennyson
Jones of Atascosa	Thornberry
Jones of Falls	Thornton

Vale	Winfree
Waggoner	Worley
Weldon	
Absent	
Anderson	Hoskins
Baker	Knetsch
Davis of Jasper	Monkhouse
Felty	Smith
Harris of Dickens	of Matagorda
Absent—Excused	
Fuchs	Pope
Jones of Angelina	Stevenson
Leath	Westbrook
Newton	

Question then recurring on the motion to recess until 10:00 o'clock a. m., tomorrow, it prevailed, and the House, accordingly, at 5:00 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bill No. 61.  
Municipal and Private Corporations: Senate Bill No. 2.  
Revenue and Taxation: House Bill No. 60.

## TENTH DAY

(Continued)

(Tuesday, October 12, 1937)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Calvert.

## RELATIVE TO HOUSE BILL NO. 16

Mr. Harris of Dallas moved to suspend the Rules, relative to the making of routine motions, and those governing the regular order of business, for the purpose of making a motion to re-refer House Bill No. 16 to the Committee on State Affairs.

Question recurring on the motion by Mr. Harris of Dallas, yeas and nays were demanded.